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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,768	07/24/2001	Kenkou Yamaura	31721-174066	3574

7590 11/04/2004

VENABLE, BAETJER, HOWARD & CIVILETTI, LLP  
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Washington, DC 20043-9998

EXAMINER

YOUNG, JOHN L

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/910,768	YAMAURA, KENKOU
	<b>Examiner</b>	<b>Art Unit</b>
	John L Young	3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 July 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

JOHN LEONARD YOUNG, ESQ.  
PRIMARY EXAMINER

- 10 - 31 - 2004
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

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## **FIRST ACTION REJECTION**

**(Paper# 10/31/2004)**

### **DRAWINGS**

1. This application has been filed with drawings that are considered informal; said drawings are acceptable for examination purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

### **CLAIM REJECTIONS – 35 U.S.C. §103(a)**

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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2. Claims 1-4 are rejected under 35 U.S.C. §103( a ) as being obvious over Kume US 6,203,433 (03/20/2001) [US f/d: 08/14/1998] (herein referred to as "Kume").

As per independent claim 1, Kume (the ABSTRACT; FIG. 1; FIG. 2; col. 1, ll. 10-48; col. 6, ll. 3-11; col. 6, ll. 50-62; col. 22, ll. 1-33) implicitly shows: "A homepage access method using . . . numbered e-mails, said method being used for accessing a server device having a homepage for providing a mail sending/receiving service to terminal devices such as personal computers and mobile phones over a network, when said terminal device accesses said homepage and starts up a mailer on said homepage in order to send an e-mail, said method comprising the steps of: writing, with said server device, in a . . . number and an address of said homepage at the end of an e-mail; and attaching, with said server device, to said e-mail, information for indicating that winning . . . numbers will be announced on said homepage."

Kume lacks explicit recital of a network "lottery" game; however, Kume (col. 22, ll. 1-11; and whole document) implicitly shows: a network "lottery" game.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Kume (col. 22, ll. 1-11; and whole document) implicitly shows a network "lottery" game, and it would have been obvious to modify and interpret the disclosure of Kume (col. 22, ll. 1-11; and whole document) cited above as implicitly showing a network "lottery" game, because modification and interpretation of the cited

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disclosure of Kume would have provided means to “*determine combinations of games among users place din the game queue. . .*”, based on the motivation to modify Kume so as to “*provide a network game system which relieves users of efforts to select play partners. . .*” (See Kume (col. 1, ll. 63-67)).

Independent claim 2 is rejected for substantially the same reasons as independent claim 1.

As per dependent claim 3, Kume shows the method of claim 1.

Kume (the ABSTRACT; FIG. 1; FIG. 2; col. 1, ll. 10-48; col. 6, ll. 3-11; col. 6, ll. 50-62; col. 22, ll. 1-33) implicitly shows the “e-mail” elements of claim 3.

Kume lacks explicit recital of a network “lottery” game with “lottery numbered e-mails. . .”; however,

Kume (col. 22, ll. 1-11; and whole document) implicitly shows: a network “lottery” game with “lottery numbered e-mails. . .”

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Kume (col. 22, ll. 1-11; and whole document) implicitly shows a network “lottery” game with “lottery numbered e-mails. . .”, and it would have been obvious to modify and interpret the disclosure of Kume (col. 22, ll. 1-11; and whole document) cited above as implicitly showing a network “lottery” game with “lottery numbered e-mails. . .”, because modification and interpretation of the cited disclosure of

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Kume would have provided means to “*determine combinations of games among users place din the game queue. . .*”, based on the motivation to modify Kume so as to “*provide a network game system which relieves users of efforts to select play partners. . .*” (See Kume (col. 1, ll. 63-67)).

As per dependent claim 3, Kume shows the method of claim 1.

Kume (the ABSTRACT; FIG. 1; FIG. 2; col. 1, ll. 10-48; col. 6, ll. 3-11; col. 6, ll. 50-62; col. 22, ll. 1-33) implicitly shows the “e-mail” elements of claim 3.

Kume lacks explicit recital of a network “lottery” game with “lottery numbered e-mails. . .”; however,

Kume (col. 22, ll. 1-11; and whole document) implicitly shows: a network “lottery” game with “lottery numbered e-mails. . .”

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Kume (col. 22, ll. 1-11; and whole document) implicitly shows a network “lottery” game with “lottery numbered e-mails. . .”, and it would have been obvious to modify and interpret the disclosure of Kume (col. 22, ll. 1-11; and whole document) cited above as implicitly showing a network “lottery” game with “lottery numbered e-mails. . .”, because modification and interpretation of the cited disclosure of Kume would have provided means to “*determine combinations of games among users place din the game queue. . .*”, based on the motivation to modify Kume so as to

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*"provide a network game system which relieves users of efforts to select play partners. . . ."* (See Kume (col. 1, ll. 63-67)).

## CONCLUSION

3. Any response to this action should be mailed to:

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh Floor Receptionist  
Crystal Park V  
2451 Crystal Drive  
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

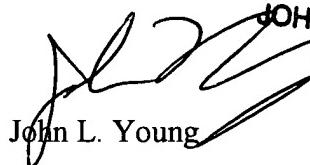
Serial Number: 09/910,768

(Yamaura)

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
JOHN LEONARD YOUNG, ESQ.  
PRIMARY EXAMINER  
John L. Young

Primary Patent Examiner

October 31, 2004